IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 19TH MARCH 2007 / 28TH PHALGUNA 1928

WP(C).No. 9230 of 2007(W)

PETITIONER:

REV.SR.ANITHA, MANAGER,
ST.JOSEPH ENGLISH MEDIUM SCHOOL,
KOONAMMAVU, ERNAKULAM DISTRICT.

BY ADV. SRI.DEEPU THANKAN

RESPONDENTS:
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1. STATE OF KERALA, REP. BY THE
SECRETARY TO GOVT., DEPARTMENT OF GENERAL
EDUCATION, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. DEPUTY DIRECTOR OF EDUCATION,
THRISSUR.

BY GOVERNMENT PLEADER SRI. A.J. VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/03 2007 ALONG WITH W.P. (C) NO.9252/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. BASHEER, J.

W.P.(C). NOs. 9230 & 9252 OF 2007

Dated this the 19th day of March, 2007

J U D G M E N T

Petitioners are managers of an unrecognised, unaided institutions. Their grievance is that they are not being permitted to conduct examinations for the students studying in Standard IV in their respective schools and to issue transfer certificates to them. It appears that respondent No.2 has declined the request made by the petitioners in this regard, in view of Ext.P5 order in the former and Ext.P4 order in the latter issued by the Government. This Court had occasion to consider the same issue in a batch of writ petitions (W.P.(C). No. 3341/06 and Conn. Cases). While disposing of those writ petitions, the learned Judge had recorded the submission made by the learned Advocate General, who informed the court that in this academic year the above order of the Government will not be enforced. Therefore, this Court had directed the Department to issue appropriate orders granting permission to those institutions to conduct the

examination and to issue transfer certificates on condition that such institutions undertook to abide by the statutory mandates contained in Chapter VI KER in the ensuing academic year. Petitioners in this case have placed on record separate affidavits undertaking that they would abide by the statutory mandates in Chapter VI KER in their respective schools from the next academic year onwards. They pray that the students may be allowed to write the examination in their Schools and to issue transfer certificate to those students.

In the above facts and circumstances, the writ petition is disposed of with a direction to respondent No.2 to pass appropriate orders granting permission to the petitioners to conduct examinations for the students studying in their schools in Standard IV and to issue transfer certificates to them. This shall be done by the Officer concerned forthwith.

A.K. BASHEER, JUDGE

vps

KURIAN JOSEPH, JUDGE

OP NO.

JUDGMENT

21st DECEMBER, 2006